

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION at AKRON**

IN RE FIRSTENERGY SOLUTIONS CORP., ET AL., Debtors	Case No. 18-50757-AMK Chapter 11 Honorable Alan M. Koschik, United States Bankruptcy Judge
FIRSTENERGY SOLUTIONS CORP., Plaintiff, V. BLUESTONE ENERGY SALES CORP., Defendant.	 Adversary Proceeding 18-5100

**DEFENDANT’S SECOND MOTION TO
FURTHER AMEND DISCOVERY DEADLINES**

Defendant Bluestone Energy Sales Corp. (“Bluestone”), through counsel, respectfully moves the Court to amend the Order entered on December 23, 2019 [Doc. 36]. In support of this Motion, Bluestone states that the most recent scheduling Order in this case established the following deadlines:

- a. Bluestone was to identify the subject matter of its expert report(s) by Tuesday, January 7, 2020;
- b. Bluestone was to identify its proposed expert witness(es) by Wednesday, January 15, 2020;
- c. Bluestone was to respond to Plaintiff’s First Set of Requests for Admission by Wednesday, January 15, 2020;

- d. All fact depositions was ordered to be completed by Friday, January 31, 2020;
- e. Bluestone was ordered to serve its initial expert report(s) by Friday, February 7, 2020;
- f. The Plaintiff was ordered to serve rebuttal expert report(s), if any, by Friday, March 6, 2020; and
- g. All expert discovery was ordered to be completed by Friday, March 20, 2020.

Those deadlines were negotiated by the parties following the filing of the Defendant's Motion To Further Amend Discovery Scheduling Order And To Amend Expert Discovery Scheduling Order [Doc. 35], the need for which was the unavailability of lead counsel for Bluestone, Richard A. Getty. Mr. Getty, who has been involved in all major decisions in this matter and who is deemed essential to expert witness preparations and the depositions to be taken in this case, is recovering from various surgical procedures which commenced in the Fall of 2019 and related issues.

Although Mr. Getty has returned to the office, that return was not accomplished as soon as had been anticipated, and he is not yet fully recovered. Mr. Getty has also suffered complications from the 2019 procedures which will require follow-up in coming months. In any event, Mr. Getty is gradually working through the backlog of matters that arose during his absence and which require his attention. Unfortunately, he has not been able to schedule, to prepare for, or to participate in fact depositions in this case which were to be concluded by this date, precipitating this Motion.

Bluestone timely complied with items "a" through "c" above, and seeks to amend the deadlines associated with items "d" and "e"—the deadlines for fact depositions and for tendering Bluestone's expert report. The parties are currently involved in discussions to schedule those

matters in coming weeks and will update the Court as soon as possible on the results of those discussions. This Motion is being filed so that the issue is brought to the attention of the Court prior to the expiration of any current deadline.

Bluestone is aware that extensions of its remaining deadlines may require corresponding extensions of deadlines for the Plaintiff that flow from Bluestone's expert report, such as items "f" and "g" above. As such, Bluestone has no objection to appropriate revisions to those deadlines as well.

NOTICE

PLEASE TAKE NOTICE that any objection to the relief sought in the foregoing Motion must be filed within 14 days, unless otherwise Ordered by the Court, from the date of service as set forth below in the Certificate of Service, and that the Court is authorized to grant the relief requested without further notice unless a timely objection is filed.

Respectfully submitted

/s/ Richard A. Getty
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and
C. THOMAS EZZELL (*pro hac vice*)

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CERTIFICATE OF SERVICE

It is hereby certified that a copy of the foregoing Defendant's Second Motion To Further Amend Discovery Deadlines was served on this the 31st day of January, 2020, electronically in accordance with the method established under this Court's CM/ECF Administrative Procedures and applicable Standing Order(s), if any, upon the following:

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